

IN THE UNITED STATES DISTRICT COURT

FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO • ALBUQUERQUE, NEW MEXICO

BARRY GREEN, as the Personal Representative of the
WRONGFUL DEATH ESTATE OF JEROME LUCERO,

SEP 26 2023

MITCHELL R. ELFERS
CLERK

Plaintiff,

vs.

No. 1:23-cv-00460 JB-LF

JAKAMIEN JAJUAN MILLER, CHRISTIAN ORTEGA,
JESTON MATHENY, DARWIN LOPEZ, ROCKERZ, INC.,
AARON'S, LLC, CENTRAL AVENUE AND ATRISCO
PRO'S REAL ESTATE, LLC, and JOHN DOES 1-10,

Defendants.

ORDER GRANTING JOINT MOTION TO APPOINT GUARDIAN AD LITEM

THIS MATTER, having come before the Court on Parties' Joint Motion to Appoint Guardian *ad Litem*, and the Court, having reviewed the Motion and otherwise being fully-advised in the premises, hereby finds as follows:

1. Guardian *ad Litem* should be appointed by this Court in connection with the Court's approval of a settlement Jerome Lucero's twin brother, Jeremy Lucero.
2. There are strong public policy reasons to grant immunity to the Guardian *ad Litem* in this case, who is acting as an "Arm of the Court" and is performing an essential role in this Court's Administration of justice, as the Judge's assistant.
3. All immunities and privileges available to the Guardian *ad Litem*, as articulated by the New Mexico Supreme Court in *Collins v. Tabet*, 1991-NMSC-13, 111 N.M. 391, 806 P.2d 40, should be extended to the Guardian *ad Litem* in this matter.
4. Mr. Raynard Struck, Esq. is qualified to serve as Guardian *ad Litem* in this matter.

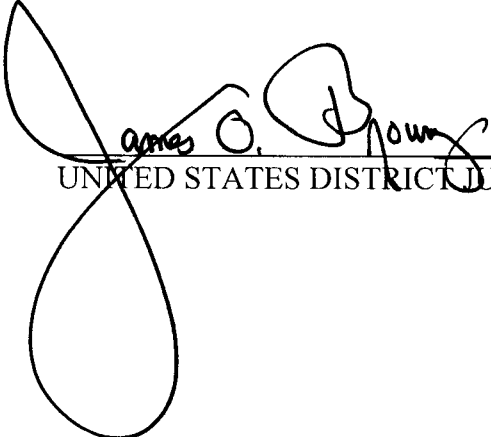
5. As per stipulation of the Parties, the Guardian *ad Litem* fees should be paid by Defendant Rockerz, Inc.

IT IS THEREFORE ORDERED that Mr. Raynard Struck, Esq. is appointed Guardian *ad Litem* as an "Arm of the Court", appointed in connection with this Court's consideration of a settlement involving Jeremy Lucero.

Mr. Raynard Struck, Esq. shall be absolutely immune from any liability for his actions taken pursuant to this appointment, in so far as his conduct in the case is as a result of an investigation on behalf of this Court into the fairness and reasonableness of the settlement in its effect on Jeremy Lucero, the Guardian *ad Litem*'s duties and obligations in this Court are owed to the Court, and not to Jeremy Lucero.

This appointment of Raynard Struck, Esq. as Guardian *ad Litem*, is intended to convey upon her all of the immunities and protections allowed or provided under *Collins v. Tabet*, 1991-NMSC-13, 111 N.M. 391, 806 P.2d 40.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Respectfully submitted,

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